United Nations A/HRC/38/15/Add.1

General Assembly

Distr.: General
5 June 2018

Original: English

Human Rights Council
Thirty-eighth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Israel

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.18-08992(E)
1808992

Please recycle

I. Methodology and consultation process

1. The State of Israel remains committed to the Universal Periodic Review (UPR). As noted by Ambassador Aviva Raz Shechter, Permanent Representative of Israel to the United Nations Office in Geneva: "we believe that if implemented properly, the UPR can be a useful instrument in promoting human rights worldwide". We are very grateful for the opportunity to engage in a constructive dialogue, aimed at exploring ways to improve Israel's human rights record and to learn from the experience of other countries.

2. Accordingly, we have carefully reviewed the 240 recommendations received during our third UPR cycle held on 23 January 2018, which were listed in the report of the Working Group (A/HRC/38/15, para.118, hereinafter: the Working Group's Report).

3. Within the process of preparing Israel's National Report, submitted on 28 October 2013 (A/HRC/WG.6/17/ISR/1), we made great efforts to consider the views expressed by civil society organizations through the "Round Tables" project, a series of meetings held in different academic institutions around the country (see further elaboration in Section K). Following the receipt of the recommendations and observations, all relevant Government Ministries were consulted with within the process of drafting the replies. As a result of these consultations, we are pleased to report that Israel has been able to adopt **93** recommendations, in whole or in part.

4. The present Addendum is structured in accordance with the themes used on Israel's National Report. When reviewing recommendations and observations, the State of Israel implemented the following methodology:

(a) Recommendations that **fully enjoy the support** of the State of Israel are those recommendations that are either already implemented or which underlying spirit is supported by the State. We recognize, realistically, that we may never fully accomplish what is described in the literal sense of the terms of the recommendation but we remain committed to making serious efforts towards achieving the said goals;

(b) Recommendations that **partially enjoy the support of the State of Israel** are those recommendations with which we regard ourselves as partly compliant, or which are supported in principle, but where we nonetheless object to the suggestion that our current efforts are insufficient or fall short of good practice;

(c) Recommendations that **were noted** are those recommendations that we cannot commit to implement at this stage for legal, policy, or other reasons. These also include recommendations made, which we categorically denounce, based on gross misrepresentation or perversion of facts.

5. Due to space constraints, we attempted to refrain from reiterating in this Addendum issues that have already been raised in Israel's National Report and therefore it is advised to review it in conjunction with the National Report.

6. As part of the consultations that led to the Working Group's Report, the State of Israel noted eight recommendations that contained the term "State of Palestine". These recommendations were referenced in paragraphs 119.1–119.8 of the Working Group's Report. While Israel welcomes an open dialogue with delegates of the Palestinian Authority on matters of human rights, we categorically oppose the designation of the Palestinian entity as a State. We recognize that such a designation is used by the United Nations following a Palestinian request and subsequent adoption of UN General Assembly resolution 67/19. However, it does not and cannot indicate any recognition of statehood, and is without prejudice to the substantive question of the legal status of the Palestinian entity. Israel further considers that the Palestinian entity does not satisfy the criteria for statehood under international law, and, like many other States, does not recognize it as such.

II. Review of recommendations by theme

A. International instruments and domestic legislative and structural human rights frameworks

7. *The following recommendations enjoy the support of Israel in part:* 118.19; 118.20; 118.21.

8. *The following recommendations were noted by Israel:* 118.1; 118.2; 118.3; 118.4; 118.5; 118.6; 118.7; 118.8; 118.9; 118.10; 118.11; 118.12; 118.13; 118.14; 118.15; 118.16; 118.17; 118.18; 118.22.

9. Israel's ratification of seven core UN Human Rights Conventions, and of many other human rights instruments, reflects our strong commitment to ensuring the legal safeguards established in those conventions. Fundamental human rights protections are afforded to every individual – men, women and children, and are enshrined in Israel's Basic Laws. Israel's judicial system is strongly involved in promoting and protecting human rights.

B. Cooperation with United Nations agencies and bodies

10. *The following recommendations enjoy the support of Israel:* 118.31; 118.33; 118.34; 118.35; 118.36; 118.46.

11. *The following recommendations enjoy the support of Israel in part:* 118.30; 118.32.

12. *The following recommendations were noted by Israel:* 118.23; 118.24; 118.25; 118.26; 118.27; 118.28; 118.29; 118.37; 118.38; 118.39; 118.40; 118.41; 118.42; 118.43; 118.44; 118.45.

13. As part of Israel's engagement with Special Procedures and its participation in the Human Rights Council's work as an active observer, we consider favorably most requests we receive, and make a sincere effort to host one official country visit a year. We welcomed the visit of the Special Rapporteur on Violence against Women, its Causes and Consequences in 2016, and are currently considering other requests for the coming year. In addition, we welcome the frequent unofficial visits of special mandate-holders to Israel in their academic capacity, and arrange for meetings with government officials. Moreover, we regularly engage with the various mandate-holders and organize or co-sponsor events on a variety of human rights thematic issues.

C. Combatting racism, discrimination, xenophobia and anti-discrimination

14. *The following recommendations enjoy the support of Israel*: 118.47; 118.48; 118.49; 118.50; 118.52; 118.59; 118.62.

15. *The following recommendations enjoy the support of Israel in part:* 118.51; 118.55; 118.58.

16. *The following recommendations were noted by Israel*: 118.53; 118.54; 118.56; 118.57; 118.60; 118.61; 118.63.

17. Our commitment to promoting equality and non-discrimination has been reiterated in the establishment in 2016 of the Inter-Ministerial Team Charged with Forming an Action Plan to Deal with Racism against Persons of Ethiopian Origin. This team was established following a notable Government Resolution, which for the first time, explicitly recognized the need to combat racist practices targeted against persons of Ethiopian origin.

18. The team released an extensive report which included an array of recommendations, the most essential of which was the establishment of a new governmental unit within the Ministry of Justice for the coordination of the fight against racism. The National Anti-Racism Coordinator's Office was established in 2016.

D. Ensuring LGBT rights and gender-based equality

19. *The following recommendations enjoy the support of Israel*: 118.64; 118.65; 118.102; 118.103; 118.104; 118.105; 118.106; 118.107; 118.108; 118.109; 118.110; 118.111; 118.113; 118.114; 118.115; 118.116.

20. *The following recommendations were noted by Israel:* 118.112.

21. Israel is strongly devoted to the promotion and protection of women rights, and women's participation in the public sphere is valued and encouraged. Between 2010 and 2014 alone, Israel passed some 50 laws and amendments to further bolster gender equality and the empowerment of women. In fact, Israel was one of the first countries in the UN to officially recognize in its legislation the importance of the participation of women in all decision-making levels of national institutions and mechanisms.

22. With respect to LGBT rights, Israel attaches great importance to the protection of the rights of its citizens to live freely according to their sexual orientation and gender identity and actively promotes the development of LGBT rights. Among some of the court decisions protecting the rights of same-sex couples in Israel is the 2013 Tel Aviv-Jaffa Family Court ruling, according to which a same-sex couple could be registered as parents and recognized as joint parents through a judicial parenthood order, without a social services' review.

E. Minority rights

23. *The following recommendations enjoy the support of Israel:* 118.127; 118.128; 118.129; 118.130; 118.133; 118.134.

24. *The following recommendations enjoy the support of Israel in part:* 118.131; 118.132.

25. Israel strives to protect, promote, and integrate minorities, who comprise approximately 25.3% of Israel's population, and ensure that they have equal access to employment, education, and socio-economic rights, as well as full participation in political processes.

26. Due to the affirmative action measures taken by the government, there has been a steady increase in the employment rates of minorities in the civil service. As of October 2017, 10.1% of all civil service employees were Arabs, Bedouins, Druze and Circassians (compared to 8.4% in 2012 and 6.17% in 2007). Approximately 40% of these employees are women.

F. Immigration and asylum matters

27. *The following recommendation enjoys the support of Israel:* 118.138.

28. *The following recommendations enjoy the support of Israel in part:* 118.135; 118.139.

29. *The following recommendations were noted by Israel:* 118.136; 118.137.

30. Israel continues to conduct individual refugee status determination assessments for asylum seekers of all nationalities. An important amendment was made in 2017 to the Government Regulation concerning the Processing of Asylum Requests, which highlights gender sensitivities that are central to the process of refugee status determination. It instructs those conducting interviews to display due sensitivity to gender-based considerations that may affect behaviour, feelings or testimony of the applicant. It further stipulates that particular sensitivity must be displayed to victims of gender-based violence, including sexual violence. Interviewers must also inform applicants that they may request an interviewer and translator of the same gender.

G. Fighting terrorism within the law and investigatory safeguards against abuse

31. *The following recommendations enjoy the support of Israel:* 118.66; 118.67; 118.76; 118.78; 118.79; 118.81.

32. *The following recommendations enjoy the support of Israel in part:* 118.71; 118.72; 118.80; 118.83; 118.84.

33. *The following recommendations were noted by Israel:* 118.68; 118.69; 118.70; 118.73; 118.74; 118.75; 118.77; 118.82; 118.85.

34. The State of Israel attaches great importance to strengthening compliance with the relevant applicable international law standards in the fight against torture and cruel, inhuman and degrading treatment or punishment. Israel's authorities are conducting thorough oversight over the processing and handling of complaints or reports of torture, ill-treatment or disproportionate use of force against detainees.

35. This is evident, among others, through the examination and investigation of misconduct conducted by the Israel Defense Forces (IDF) in order to ensure compliance with the rule of law, including International Law and the Law of Armed Conflict. The three main components of the IDF's review mechanisms are the Military Advocate General's Corps, the Military Police Criminal Investigation Division and the Military Courts. In addition, Israel subjects the IDF's military justice system to the civilian supervision of the Attorney General, the State Comptroller, the Knesset and the Supreme Court.

H. Freedom of religion

36. *The following recommendations enjoy the support of Israel:* 118.88; 118.90.

37. *The following recommendations were noted by Israel:* 118.86; 118.87; 118.89.

38. As underlined in Basic Law: Human Dignity and Liberty, freedom of religion is an important facet of Israeli society, and consists of both the freedom of religion and the freedom to practice one's religion. We are committed to enabling access to holy places to members of all religions, without distinction of any kind.

I. Rights of persons with disabilities

39. *The following recommendation enjoys the support of Israel:* 118.126.

40. The Commission for Equal Rights of Persons with Disabilities was established in 2000 and was charged with the implementation of the Equal Rights for Persons with Disabilities Law. Upon ratification of the Convention on the Rights of Persons with Disabilities in 2012, the Commission was made responsible for promoting the Convention and monitoring its implementation. The Commission acts to enhance equality, fight discrimination and eliminate accessibility barriers.

J. Economic, social and cultural rights

41. *The following recommendation enjoys the support of Israel:* 118.101.

42. Israel has taken effective actions towards a progressive realization of economic, social and cultural rights for all its citizens, in line with the ICESCR. In this regard, the government has established an inter-ministerial committee tasked with formulating a strategic plan to mitigate the negative repercussions of polygamy, which can still be found in certain parts of society, mainly within the Bedouin community. The committee has been examining, for example, how employment opportunities may be made culturally and practically accessible and how educational frameworks may be enhanced and developed in order to reduce drop-out rates. It is further examining how welfare services may be properly

channeled to address the emotional and social needs of women and children who have been harmed by polygamous marriage.

K. Civil Society

43. *The following recommendations enjoy the support of Israel*: 118.91; 118.92; 118.93; 118.94; 118.95; 118.96; 118.97; 118.98; 118.99; 118.100.

44. As mentioned in our National Report, Israel maintains a vibrant dialogue with civil society organizations, in particular within the UN Human Rights treaty bodies and UPR reporting process. Since 2012, the MFA and MOJ have promoted a project under the auspices of the Hebrew University of Jerusalem, designed to facilitate open dialogue and improve cooperation between State authorities and civil society organizations, specifically concerning the reporting process to UN Human Rights Committees. The project created a joint forum, attended by state authorities, scholars and representatives of civil society, to discuss State reports that are submitted to these committees on an ongoing basis and encourage civil society organizations to comment on the State's draft reports.

45. Since the last reporting cycle, in 2017, Israel also introduced, a series of "Round Tables". This project entailed six discussion sessions in academic institutions throughout Israel so as to facilitate diverse participation. The sessions offered a unique platform for free discourse between civil society, academics and government representatives on core human rights issues related, inter alia, to: LGBT Rights; Israelis of Ethiopian descent; the Bedouin population; women's rights; rights of persons with disabilities; and social and economic rights in the periphery. One of the aims of this project was to allow grass roots organizations, which usually do not have the resources to submit shadow reports to the general treaty bodies and UPR process, to participate in the UN human rights reporting mechanism.

L. Children rights

46. *The following recommendations enjoy the support of Israel:* 118.117; 118.118; 118.119; 118.122; 118.123; 118.124.

47. *The following recommendations were noted by Israel:* 118.120; 118.121; 118.125.

48. Israel remains determined to protect children's rights and has continued to act towards the betterment of all children. Since the last UPR cycle, a number of important reforms have been adopted, including the 2016 Amendment No. 35 to Compulsory Education Law 5709-1949, which lowered the compulsory age of enrolment of children in kindergartens from five to three.

49. In addition, amendment No. 6 of 2013 to the Marriage Age Law 5710-1950 raised the minimum age for marriage from 17 to 18. Anyone who marries a minor, officiates at a minor's wedding, or enables the marriage of a minor under his/her guardianship may be sentenced to two years of imprisonment or a fine.

M. Israel and the Palestinian Authority

50. As stated by Ambassador Aviva Raz Shechter: "our relations with the Palestinians will continue to be of the highest priority, and despite the known setbacks in the Peace Process, we will continue to seek a lasting solution that will enable our two peoples to live side by side in peace and security". Israel will act to achieve peace through negotiations conducted on the basis of mutual recognition, signed agreements and cessation of violence.

51. Nevertheless, at this stage, *the following recommendations were noted by Israel:* 118.140; 118.141; 118.142; 118.143; 118.144; 118.146; 118.147; 118.148; 118.149; 118.150; 118.151; 118.152; 118.153; 118.154; 118.157; 118.158; 118.159 118.160; 118.161; 118.162; 118.168; 118.169; 118.172; 118.173; 118.174; 118.175; 118.176; 118.177; 118.178; 118.179; 118.180; 118.181; 118.182; 118.183; 118.184; 118.185;

118.186; 118.187; 118.188; 118.189; 118.190; 118.191; 118.192; 118.194; 118.196; 118.197; 118.198; 118.201; 118.202; 118.203; 118.204; 118.205; 118.206; 118.207; 118.208; 118.209; 118.210; 118.211; 118.212; 118.213; 118.214; 118.215; 118.216; 118.217; 118.218; 118.219; 188.220; 118.221; 118.222; 118.223; 118.224; 118.225; 118.226; 118.227; 118.228; 118.229; 118.230; 118.231; 118.232; 119.1; 119.2; 119.3; 119.4; 119.5; 119.6; 119.7; 119.8.

52. *The following recommendations enjoy the support of Israel*: 118.155; 118.163; 118.164; 118.165; 118.166; 118.167; 118.195; 118.200.

53. *The following recommendations enjoy the support of Israel in part:* 118.145; 118.156; 118.170; 118.171; 118.193; 118.199.